3 February 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROBERT JOHNSON**

**Date of hearing:** 15 January 2025

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**Panel:** Judge Marilyn Harbison (Deputy Chairperson), Ms Danielle Hikri and Ms Melissa Mahady.

**Appearances:** Ms Amara Hughes, instructed by Ms Yana Podolsakaya, appeared on behalf of the Stewards.

Mr Robert Johnson did not attend the hearing.

Mr Bradley Martin appeared as a witness.

Mr Alex Kitching appeared as a witness.

Mr Paul Searle appeared as a witness.

**Charges:** Greyhounds Australasia Rule (“GAR”) 141(1) states:

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

(b) presented for a satisfactory trial or such other trial as provided for by the Rules; or

(c) presented for any test or examination for the purpose of a stand-down period being varied or revoked,

must present the greyhound free of any prohibited substance.

GAR 156(f)(ii) states:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper.

**Particulars of charges: Charge 1: GAR 141(1)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at the relevant time, the trainer of the greyhound “Freaky Freddie”.

3. Freaky Freddie was nominated to compete in Race 3, OAKS SUPER BOX FOR HIRE, Tier 3 – Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 30 November 2023 (the Event).

4. On 30 November 2023, you presented Freaky Freddie at the Event not free of any prohibited substance, given that:

(a) A pre-race sample of urine was taken from Freaky Freddie at the Event (the Sample);

(b) Theobromine was detected in the Sample.

**Charge 2: GAR 156(f)(ii)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.

2. You were, at all relevant times, the trainer of the greyhound “Freaky Freddie” (the Greyhound).

3. Between 6 October 2023 and 22 June 2024, you caused or allowed the Greyhound to remain registered in your name, when in reality and practice, registered participant Ms Kerry Houlahan was primarily responsible for the training of the Greyhound.

4. By causing or allowing the Greyhound to remain registered in your name during the relevant period:

(a) You and/or Ms Kerry Houlahan received a financial advantage in the form of travel and starters fees and;

(b) You caused or allowed the betting public and the controlling body (GRV) to be misled regarding the identity of the person primarily responsible for the training of the Greyhound.

5. In the opinion of the Stewards, this practice constitutes misconduct and/or is improper.

**Pleas:** Not Guilty

**DECISION**

1. Mr Robert Johnson was, at the time of these offences, a registered greyhound trainer. He is charged with two offences.
2. The first charge is a presentation charge in relation to the greyhound, “Freaky Freddie”. It is alleged that, being the trainer of that greyhound, he presented it at Warragul on 30 November 2023 when the greyhound had the substance theobromine in its system.
3. The second charge is a charge of misconduct or improper conduct. This charge arises out of the fact that, between 6 October 2023 and 22 June 2024, he allowed the same greyhound, Freaky Freddie, to remain registered in his name as trainer, when Ms Kerry Houlahan, another registered participant and the owner of the dog, was primarily responsible for its training.
4. It is asserted by the Stewards that, in doing so, Mr Johnson received a financial advantage in the form of payment by Greyhound Racing Victoria (“GRV”) to him of travel and starters fees, and that in allowing his name to be used as trainer he misled the betting public and GRV into thinking that he was the person primarily responsible for the training of Freaky Freddie.
5. He did not appear at the hearing before us or participate at all in the pre-trial process. Therefore, the Stewards were required to satisfy us on the *Briginshaw* standard that each of these charges was made out.
6. To prove the first charge, the Stewards tendered the results of the chemical analysis of swabs taken from the dog, together with continuity evidence and a scientific analysis of the raw evidence presented.
7. There are no veterinary products which contain theobromine. It is an ingredient found in chocolate and cocoa. It is a metabolite of caffeine and is therefore a stimulant, which when used in greyhounds, encourages their chasing desire and thus improves performance.
8. When Mr Johnson was interviewed by the Stewards on 2 January 2024, he said that he did not know anything about this substance. There were chocolate biscuits at the kennels, but it appears that they would never be available to the greyhounds or eaten by persons who came into contact with the greyhounds.
9. Neither he nor Ms Houlahan had any idea how the theobromine could have been ingested by the dog.
10. We accept the unchallenged evidence of the Stewards as to the presentation offence. The presence of the prohibited substance is proven from the scientific analyses tendered. This is an offence of strict liability, and so there is no need for the Stewards to establish the source of the contamination.
11. To prove the second charge, the Stewards called Mr Alex Kitching, the Deputy Chief Steward at the time: Mr Bradley Martin, an Investigative Steward: and Mr Paul Searle, the Chief Steward, to give evidence regarding their respective conversations with Mr Johnson.
12. It became apparent during the course of the inquiry on 2 January 2024 that Mr Johnson had no knowledge of how this greyhound was trained, fed or prepared for the race. He told the Stewards on that day that he had little to do with the greyhound and that it was handled and trained by Ms Houlahan. He did not know who the veterinarian was for the greyhound.
13. The Stewards interviewed Mr Johnson and Ms Houlahan together on 1 March 2024. During that interview, Mr Johnson told the Stewards that Ms Houlahan did 90% of the work regarding the dog and that the dog was only in his name to pay the rent for the kennels.
14. Mr Johnson said that he was the one who nominated the dog for the race, but other than that he had had virtually nothing to do with the dog. Both he and Ms Houlahan agreed in the interview that the dog was only in his name as trainer in order to get the appearance money. The financial difference was that if the dog was in her name as trainer for the race it participated in on 30 November 2023, the appearance money would be $20, whereas if it was in Mr Johnson's name, it would be $120. The dog was being raced once a week. We accept that the evidence disclosed that this was a regular arrangement between the two, although formal proof of a financial benefit has only been produced in relation to the one occasion described to this Tribunal.
15. There was also evidence of a phone conversation between Mr Johnson and Mr Searle, in which Mr Johnson quite frankly conceded that he had not been to a racetrack for a year and had very little to do with the dog.
16. We accept that this evidence compels the conclusion that Ms Houlahan was effectively completely responsible for training the dog and that the purpose of this arrangement was for financial reward. We are comfortably satisfied that the entering into of this arrangement, the effect of which was to deceive both GRV and the betting public, was an act of misconduct.
17. We are comfortably satisfied that each charge is made out.

**PENALTY**

1. When sentencing in relation to the presentation charge, we note that this case is quite unusual in that Mr Johnson had no participation or involvement in looking after the dog at all. This is not a case where a trainer has attempted to keep his dog drug free but has failed. This is a case where he made no attempt at all. He has completely disregarded his duty to do so. Therefore, we regard this as being a case at the high end of presentation offences.
2. When considering the sentence for the second charge, we note that to have disregarded his obligations so wholeheartedly is a serious matter indeed. Mr Johnson has in effect duped the racing public and GRV as to the essential elements required in assessing a racing greyhound – that is the identity of the trainer, the training regime, and the details of care of the dog. He has done so simply for financial gain.
3. We must send a stern message that such conduct will not be tolerated within the industry.
4. As Mr Johnson did not appear at the hearing, we do not know of any mitigating factors in relation to these offences. His registration has been cancelled, and he appears unlikely to re-enter the industry. He appears to have been extremely frank in answering the questions of investigating Stewards, and we take this into account in his favour. It is only because of his candour that the Stewards have been able to find out about aspects of these offences. He has no prior offences. We take all of these factors into account in his favour.
5. Our sentences are as follows. We deal with the second charge first, as we regard it as significantly more serious.
6. On Charge 2, which is the misconduct charge, the penalty which we impose is a fine of $1,500 together with a warning off for a period of six months. The warning off period is to commence immediately.
7. On Charge 1, which is the presentation charge, the penalty which we impose is a fine of $500, to be served concurrent with the fine imposed on Charge 2.
8. In addition, Freaky Freddie is disqualified from Race 3 at Warragul on 30 November 2023 and the finishing order is amended accordingly.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal